

THE McDANIEL LAW FIRM, PC
54 Main Street
Hackensack, NJ 07601
(201) 845-3232
(201) 845-3777 (fax)
Attorneys for Plaintiff Century Media Ltd.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CENTURY MEDIA LTD.

Plaintiff,

v.

SWARM 36158¹, an unincorporated joint
enterprise, and JOHN DOES 1-3811, such
persons being presently unknown
participants and members of the joint
enterprise,

Defendants.

Civil Action No.:

12-3912
(DMC)

ORDER TO SHOW CAUSE

THIS MATTER having been brought before the Court upon application of The
McDaniel Law Firm, PC, Jay R. McDaniel, Esq. appearing for Plaintiff Century Media Ltd.
seeking a preliminary injunction and related relief and the Court having considered the
supporting papers filed and good cause having been shown;

IT IS on this day of , 2012,

ORDERED that Defendant Swarm # 36158 and John Does 1-3811 show cause
before this Court on , 2012 at why they should not be (A)
preliminarily enjoined and restrained as from the unauthorized distribution of the record album
Dystopia pending the final determination of this action on the merits and (B) preliminarily

enjoined and restrained from deleting or destroying discoverable information that concerns or relates to the distribution of the record album Dystopia via a peer-to-peer networks, known as a "bit torrent" pending completion of discovery, and it is further

ORDERED that Plaintiff is given leave to conduct immediate, expedited discovery limited to the issue of the identity of the defendants, and may immediately issue subpoenas to the Internet Service Provider entities identified in the Schedule B attached to the Complaint, as well as any other person or entity later identified, as a provider of Internet services to one of the Doe Defendants either currently identified by the Internet Protocol (IP) addresses in Schedule A attached to the Complaint or such additional Doe Defendants pursuant to any amended complaints later filed by Plaintiff; and it is further

ORDERED that Plaintiff shall amend the Complaint by filing a revised Schedule B at least 10 days prior to the return date and shall publish copies of the complaint and this application at and shall also publish copies of the complaint and this application at www.scribd.com and www.digirights.us and that notice of the addresses where the application may be viewed shall be attached as an to this Order to Show Cause prior to service on the ISPs.

ORDERED that the ISPs identified in Schedule B to the Complaint shall provide all information sufficient to identify each Defendant based on supplied IP addresses, but limited to name, current (and permanent) address and e-mail address, if known; and it is further

ORDERED that the within Order shall constitute an order of a court pursuant to the Cable Communications Policy Act, 47 U.S.C. § 551(c)(2)(B) and the Internet Service Provider (ISP) entities served with a copy of this Order shall disclose the personally identifiable information of the subscribers identified by the supplied IP addresses.

¹ The alpha-numeric hash file assigned to this unique copy of the copyrighted work is truncated. See Schedule A to the Complaint for the complete hash.

ORDERED that any information disclosed to the Plaintiff pursuant to this Order may be used by the Plaintiff solely for the purpose of prosecuting Plaintiff's rights as set forth in its Complaint; it is further

ORDERED that the ISPs shall produce such information in an expeditious manner, but on a rolling basis as the information can be obtained and as it becomes available and shall confer with Plaintiff, if necessary, to determine a mutually agreeable schedule for such production; it is further

ORDERED that the ISPs shall provide reasonable prior notice, in no event less than 10 days, to their subscribers that are the subject of any subpoena served by Plaintiff in order to provide the subscribers an opportunity to limit or prohibit disclosure or move to quash the subpoena, and that such notice shall include a copy of this Order to Show Cause and attachment; and it is further

ORDERED that Plaintiff and the ISPs shall confer, if necessary, with respect to the issue of payment for the information requested and for resolution of IP addresses which are not controlled by such entity, duplicate IP addresses that resolve to the same individual, other IP addresses that do not provide the name and other information requested of a unique individual, or for the entity's internal costs to notify its customers; and it is further

ORDERED that Plaintiff shall reimburse any entity which receives a copy of this Order the reasonable costs of compliance within 30 days of the presentation of an invoice and any cost reports that serve as the basis for the invoice and costs claimed by such entity; and it is further

ORDERED that if any ISP served with a copy of this Order wishes to move to vacate, it must do so no later than 10 days from the date of service; and it is further

ORDERED that the ISPs served with copies of this Order shall preserve any information pending the resolution of any timely-filed motion to vacate; and it is further

ORDERED that opposition papers, if any, to the application for a preliminary injunction shall be filed and served no later than ___ days prior to the return date and reply papers, if any, shall be served and filed no later than ___ days before the return date.

DATED:

The Hon. _____, U.S.D.J.